

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.12432 of 2004

Between:

R. Keertana being Minor, rep. by her Father and Guardian

K.V. Ravindran, H.No.B-163, 3rd Avenue, AFOCHS Colony,

Sainikpuri, Secunderabad.

..... PETITIONER

AND

The Board of Intermediate Education, A.P.,

Nampally, Hyderabad rep.by its

Commissioner and Secretary.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ petition or direction holding that the revaluation of the policy of the respondent board in revaluing the answer script for which no mark is awarded or for which a zero mark was awarded as illegal, arbitrary, irrational and further direct the respondent board to revalue the answer script in its entirety in respect of the answer script of the petitioner in English subject at the 2nd year Intermediate examination held in March 2004 with Hall Ticket No.4347345.

Counsel for the Petitioner: MR.K.SOMA KONDA REDDY

**Counsel for the Respondent: MR.S.SATYANARAYANA PRASAD, Standing
Counsel for Board of Intermediate Education**

The Court made the following:

-
-
-
-

ORDER:

The petitioner appeared for two-year Intermediate course examination in March 2004. He obtained 941 marks and declared passed in the first class. He is, however, not satisfied with the valuation of the papers. Therefore he sought for revaluation by depositing the requisite fee. The same was not considered having regard to the decision of the Board of Intermediate Education to revalue the answers to questions, which are not valued or which are awarded zero marks only. Therefore the petitioner seeks a writ of Mandamus invalidating the policy of the Board of Intermediate Education.

This Court by judgment dated 01.9.2004 while dismissing W.P. No.9684 of 2004 and batch, placing reliance on **Maharashtra State Board of Secondary Education v. Paritosh Bhupesh Kurmarsheth** held as under:

In view of the same, in the absence of any statutory or vested right in the petitioners, they cannot seek revaluation of entire answer script de hors, which provided under the policy decision taken by the Board for such revaluation. If the plea of the petitioners that revaluation should be in its entirety is accepted, it is an unending process and no finality and sanctity to the examination system itself. As and when it is pointed by the Committee of Examiners who revalued the answer scripts comes to the conclusion that in awarding marks to a particular candidate on revaluation found to be not properly done and the marks were not awarded as per the guidelines provided, even for the correct answers and which shocks the consciousness of such committee which revalued the answer scripts recommends to the Board for revaluation in its entirety, it is open for the Board to adopt necessary policy guidelines for revaluation of all the answer scripts in exceptional cases. In such cases, it is for the Board to formulate its policy for the future academic year that what remedial steps have to be taken in such cases. But the same should be left to the discretion of the Board. This Court cannot express any opinion nor can lay down any guidelines substituting to that of policy adopted by the Board.

Following the above judgment, this writ petition is also dismissed.

November 03, 2004. **V.V.S. RAO, J**

YS

To

1. The Commissioner and Secretary,
Board of Intermediate Education, A.P.,
Nampally, Hyderabad.
2. Two C.D. Copies.